

REMARKS

In the foregoing amendments, claims 1-3, 5, 6, 10, 11, 18, and 21 are amended; claims 4, 12-17, and 22 are canceled without prejudice, disclaimer, or waiver; and claims 23-30 are added. Claims 1-3, 5-11, 18, 21, and 23-30 are now pending in the present application.

I. Indication of Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating the presence of allowable subject matter in which claims 21 and 22 would be allowable if re-written in independent form to include the subject matter of base claim 1 and any intervening claim. In this respect, claim 21 has been re-written according to the Examiner's suggestion and is therefore believed to be allowable. Also, newly-added claims 27-30, which depend directly or indirectly from allowable claim 21, are believed to be allowable as well.

II. Response to 35 U.S.C. §112, Second Paragraph Rejection

The Office Action rejected claims 3, 4, and 18 under 35 U.S.C. §112, second paragraph, as allegedly failing to particular point out or distinctly claim the subject matter of the present application.

With respect to claim 3, "the second power source" was deemed to have an insufficient antecedent. Therefore, claim 3 has been amended according to the Examiner's suggestion to read "the primary power source".

With respect to claims 4 and 18, the Office Action deemed the meaning of "inverting switch" to be unclear. Applicants traverse this rejection. However, in order to advance prosecution, Applicants have canceled claim 4 and amended claim 18 to more clearly define the inverting switch.

Furthermore, the claims have been amended to maintain consistent terminology and to properly reference antecedents. Other amendments have been made to more clearly define the subject matter of the present application.

Applicants wish to clarify that the foregoing amendments have been made for the purpose of better defining the subject matter of the present application in response to the

rejections made under 35 U.S.C. §112. The amendments have been made as a matter of form to make the claims more readable and have not been made for reasons related to patentability. Applicant submits that no prosecution history estoppel arises from these amendments. *Black & Decker, Inc. v. Hoover Service Center* 886 F.2d 1285, 1294 n. 13 (Fed. Cir. 1989).

III. Response to 35 U.S.C. §102 Rejection

Claims 1-3 and 12-17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Eitan et al.* (U.S. Patent No. 5,886,561). Since claims 12-17 have been canceled by amendment herein, the rejection of claims 12-17 is considered to be moot. With respect to claims 1-3, Applicants respectfully traverse this rejection on the grounds that *Eitan et al.* fails to disclose each of the claimed elements of claim 1, as amended.

Claim 1 is reproduced below:

1. A system comprising:
 - a threshold detector circuit;
 - a first switching circuit for enabling access to a back-up power source, the first switching circuit comprising at least a first transistor; and
 - an inverting switch coupled between the first switching circuit and the threshold detector circuit, the inverting switch comprising an input and an output, the inverting switch configured to receive a signal at the input, invert the signal, and provide the inverted signal at the output, ***the inverting switch further configured to provide a switching delay during an on-to-off transition at the output;***
 - wherein the threshold detector circuit is configured to cause the first switching circuit to enable access to the back-up power source responsive to a voltage provided by a primary power source dropping below a predetermined threshold.
- (Emphasis added)

Claim 1 recites that the inverting switch is ***configured to provide a switching delay during an on-to-off transition at the output.*** In contrast, the inverter 20 of *Eitan et*

al. seems to be, *arguendo*, a conventional inverter that does not provide a switching delay during an on-to-off transition at the output. For at least the reason that *Eitan et al.* does not teach this aspect of claim 1, it is believed that claim 1 is allowable over this reference. Also, dependent claims 2 and 3 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1.

IV. Response to 35 U.S.C. §103 Rejection

Claims 4-6 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Eitan et al.* in view of *Yates et al.* (U.S. Patent No. 7,053,691). Also, claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Eitan et al.* in view of *Yates et al.*, and further in view of *Soenen et al.* (U.S. Patent No. 5,961,577). Also, claims 8-11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Eitan et al.* in view of *Singhal* (U.S. Patent No. 6,853,574).

Since claim 4 has been canceled by amendment herein, the rejection of this claim is considered to be moot. With respect to claims 5-11 and 18, Applicants respectfully traverse the rejection on the grounds that the combination of references does not teach or suggest each and every aspect of independent claim 1 (from which claims 5-11 depend) and independent claim 18.

A. Claims 1 and 5-11

The cited references, taken alone or in combination, fail to teach or suggest the aspect of claim 1 regarding ***the inverting switch [being] further configured to provide a switching delay during an on-to-off transition at the output.*** As mentioned above, *Eitan et al.* fails to disclose this feature of claim 1. *Yates et al.* fails to overcome this deficiency of *Eitan et al.* since the transistor X1 of *Yates et al.* does not provide a switching delay during an on-to-off transition at the output. Furthermore, transistor X1 is not ***coupled between [a] first switching circuit and [a] threshold detector circuit,*** as claimed. *Soenen et al.* and *Singhal* appear to be silent with respect to these claimed elements and thus fail to overcome these deficiencies of *Eitan et al.* Since the combination does not teach or suggest each element of claim 1, it is believed that claim 1

is allowable over the cited references. It is also believed that claims 5-11 are allowable for at least the reason that they depend from allowable claim 1.

B. Claim 18

In addition, *Eitan et al.* and *Yates et al.*, taken alone or in combination, fail to teach or suggest each and every feature of claim 18. For example, claim 18 comprises a threshold detector circuit, a first switching circuit, a second switching circuit, an inverting switch, and an inverter. The combination of *Eitan et al.* and *Yates et al.* does not teach or suggest these five components or a motivation to add additional elements to *Eitan et al.* Furthermore, claim 18 recites that the inverting switch is ***configured to provide a delayed-off output during an off-to-on transition at an input of the inverting switch.*** The cited references fail to teach or suggest this aspect of claim 18. For at least these reasons, it is believed that claim 18 is allowable over the cited references.

V. New Claims

Claims 23-30 have been newly added to further define and/or clarify the scope of the subject matter of the present application. Since the Examiner indicated the allowability of claim 21, claims 27-30 are presumed to be allowable as well since they depend from allowable claim 21. Also, it is believed that claims 23-26 are allowable for at least the reason that they depend directly or indirectly from independent claim 18, which is believed to be allowable, as mentioned above.

VI. References Made of Record

The references made of record have been considered, but are not believed to affect the patentability of the presently pending claims.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-3, 5-11, 18, 21, and 23-30 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,

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